APPENDIX

United States Department of Justice
Immigration and Naturalization Service

File A-10 082 545—New York, N.Y.

MATTER OF CLIVE MICHAEL BOUTILIER, RESPONDENT

IN DEPORTATION PROCEEDINGS

Transcript of Hearing

Before Special Inquiry Officer Ira Fieldsteel

Hearing held on March 8, 1965 at 20 West Broadway, New York, N.Y.

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In behalf of Service: Vincent A. Schiano, Trial Attorney, New York, N.Y.

In behalf of respondent: Blanch Freedman, Attorney-at-law, 299 Broadway, New York, N.Y. 10007.

SPECIAL INQUIRY OFFICER TO RESPONDENT:

Q. Sir, do you speak and understand the English language?

A. Yes, sir.

Q. What is your full, true and correct name?

A. Clive Michael Boutilier.

Q. I have before me an order to show cause issued on January 28, 1965 which says that a person of your name is now illegally in the United States and could be deported for reasons stated in the order to show

cause. Did you get a copy of this paper on January 28, 1965?

Miss FREEDMAN: We will concede that he received a copy of the order to show cause dated January 28, 1965 on February 4, 1965.

SPECIAL INQUIRY OFFICER: On February 4th, yes I see. Excuse me, the certificate was served February 4, 1965.

SPECIAL INQUIRY OFFICER TO RESPONDENT:

Q. The purpose of this hearing today is for me to decide two things. First, whether you are illegally here and could be deported, and secondly, even if you could be deported whether you have to be deported or whether there is some form of relief from deportation available to you. Do you understand the purpose of this hearing today?

A. Yes.

Q. Are you represented by Miss Freedman as your attorney?

A. Yes, sir.

Q. Will you please stand up and raise your right hand? Do you——

Miss FREEDMAN: He isn't going to testify, but I don't mind his being sworn just for identification purposes.

SPECIAL INQUIRY OFFICER: I see.

SPECIAL INQUIRY OFFICER TO RESPONDENT:

Q. Well, will you raise your hand? Do you solemnly swear the testimony you will give today will be the truth, the whole truth, and nothing but the truth, so help you God?

A. Yes, sir.

SPECIAL INQUIRY OFFICER: Now, when you say, Miss Freedman, that he is not going to testify, you mean he is not going to testify as to the basic charge in this matter?

Miss FREEDMAN: That is correct, sir, at this time.

SPECIAL INQUIRY OFFICER: Well, how about let's say allegations of fact, 1, 2, 3?

Miss FREEDMAN: Right. Now, we will concede that allegation No, 1 in the order to show cause is correct. Allegation 2 is correct. Allegation 3 is correct. We admit them. We deny allegation No. 4 and, of course, we deny the conclusion of law that is set forth here.

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SPECIAL INQUIRY OFFICER: * * *

Mr. Schiano, do you have any evidence to offer in support of the Government's charge?

Mr. SCHIANO: Yes, I am offering the certificate from the Public Health Service doctors, together with the record of sworn statement. There are two statements there, one in the form of questions and answers and in the form of an affidavit. I have shown to counsel both statements and the certificate.

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SPECIAL INQUIRY OFFICER: All right, there will be a short recess.

RECESS

RESUMED

SPECIAL INQUIRY OFFICER: Let the record reflect that there was a short recess during which time counsel consults with her client with the record of sworn statement of January 13, 1964 after which the hearing is resumed.

All right, Miss Freedman, is there any objection now to this statement?

Miss FREEDMAN: Going into evidence together with the doctor's report is that what you are referring to?

SPECIAL INQUIRY OFFICER: Yes.

Miss FREEDMAN: No, except that I would an opportunity [*sic*] to examine Dr. Smith if need be. I mean I reserve that right. I want the record to reflect that. At this moment I have no objection to this going into evidence with that reservation. Maybe that after I produce my own medical evidence it won't be necessary but at this point I want to reserve the right to first examine Dr. Smith with respect to his report.

Mr. SCHIANO: Let me say this. I will make Dr. Smith available for cross examination when the time comes. However, in an off the record discussion with counsel I did offer her the opportunity to present any additional psychiatric reports from private psychiatrists which I would be willing to re-submit to Dr. Smith together with the documents of record for any reconsideration of the certificate. I do wish the record to note we did offer the respondent an opportunity to be personally examined by the Public Health Service but he did decline that which was his right to decline. However, I again offer him an opportunity to become again examined by the Public Health Service doctors together with any psychiatric reports or any other physician's account he wishes to relate to the case.

Miss FREEDMAN: We will bring in our own medical evidence. He will be examined by our own doctor and we will submit to you the findings. I will not have him submit to an examination by the Public Health Service.

SPECIAL INQUIRY OFFICER: In what form do you propose to submit your psychiatric evidence in the form of a report, an outside report by a psychiatrist?

Miss FREEDMAN: Correct, by a psychiatrist.

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